IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ABINGDON DIVISION

UNITED STATES OF AMERICA)	
)	
)	Case No. 1:04CR00009-001
)	
V.)	OPINION
)	
TRADON MARQUEZ DRAYTON,)	By: James P. Jones
)	United States District Judge
Defendant.)	

Tradon Marquez Drayton, Pro Se Defendant.

The defendant has submitted a letter (ECF No. 602), alleging among other things that he was wrongfully convicted, as demonstrated by new evidence that a government witness lied at trial, and that he is entitled to be resentenced under the Supreme Court's recent decision in *Alleyne v. United States*, 133 S. Ct. 2151 (2013). Based on the nature of the defendant's allegations, the court docketed the submission as a Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255. After review of the allegations and the record, I find that the defendant's current submission is properly construed and must be summarily denied without prejudice as a successive § 2255 motion. *See* 28 U.S.C. § 2255(h).

The defendant, Tradon Marquez Drayton, was convicted by a jury in 2006 on charges related to a drug trafficking conspiracy. I sentenced him to a total of 548 months in prison, and the United States Court of Appeals for the Fourth

Circuit affirmed the Judgment. United States v. Drayton, 267 F. App'x 192 (4th

Cir. 2008) (unpublished). I also denied Drayton's later motion under 28 U.S.C. §

2255. United States v. Drayton, No. 1:04CR00009, 2010 WL 4136144 (W.D. Va.

Oct. 21, 2010), appeal dismissed, 415 F. App'x 490 (4th Cir. 2011) (unpublished).

This court may consider a second or successive § 2255 motion only upon

specific certification from the United States Court of Appeals for the Fourth

Circuit that the claims in the motion meet certain criteria involving newly

discovered evidence or a new rule of constitutional law. See § 2255(h). Because

Drayton has previously pursued relief under § 2255 and offers no indication that he

has obtained certification from the court of appeals to file a second or successive

§ 2255 motion, I must deny his current motion without prejudice.

A separate Final Order will be entered herewith.

DATED: March 11, 2014

/s/ James P. Jones

United States District Judge

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